

IN THE UNITED STATES FEDERAL DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

KENDALL R. WATSON, ET. AL.,  
Defendants.

\*  
\*  
\*  
\*  
\*

CR. NO. 2:06cr122-MEF

**MOTION FOR LEAVE TO FILE OUT OF TIME**

COMES, James R. Cooper, Jr. who on behalf of his client Kendall Watson, does move this Court for leave to file a Motion to Suppress out of time and states in support thereof as follows:

1. Mr. Watson was indicted for being an ex-felon in possession of a firearm, carrying a pistol in the furtherance of drug trafficking and the possession of 5 grams of methamphetamine with the intent to distribute same. He plead not guilty May 17, 2006.
2. At that time, the Order of Arraignment entered May 18, 2006, stated that Pre-Trial Motions were due May 30., 2006.
3. Mr. Watson had several attorneys. On May 22, 2006, Mr. Cooper was appointed to represent him. Subsequent to May 22, 2006, Mr. Cooper received all the discovery due from the government.
4. After reviewing that discovery with Mr. Watson Mr. Cooper filed a Motion to Suppress.
5. Unfortunately, Mr. Cooper was not aware that Pre-Trial Motions were due May 30, 2006. Mr. Cooper has not received a copy of the original Order on Arraignment with that information.
6. Mr. Cooper did not receive any notices electronically until long after May 30, 2006. There was some problem with the electronic notification system that was only discovered after June 30, 2006. Thereafter, Mr. Cooper began to receive notices electronically.
7. Mr. Watson has a sufficient grounds to file the Motion to Suppress. This trial is

set for the week of September 18, 2006, so there is sufficient time to hear the motion.

8. Neither party would be unduly burdened or prejudiced by the granting of this motion. Trial is set for September 18, 2006, so there is sufficient time to hear the Motion to Suppress. Mr. Watson has good, sufficient grounds for the filing of the Motion to Suppress.

RESPECTFULLY SUBMITTED,

S/James R. Cooper, Jr.  
James R. Cooper, Jr. (COO021)  
COOPER & COOPER  
312 Scott Street  
Montgomery, Alabama 36104  
(334) 262-4887  
(334) 262-4880 (Facsimile)

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 11<sup>th</sup> day of July, 2006 , I have served a copy of the foregoing Motion for Leave Upon Mr. Terry Moorer, P.O. Box 197, Montgomery, Al 36101 By placing a copy of the same in the United States Mail properly addressed and postage prepaid or electronically.

---

S/ James R. Cooper, Jr.  
James R. Cooper, Jr.

---

cc:

Kendall Watson  
Montgomery City Jail  
P.O. Drawer 159  
Montgomery, Al 36104

